

This matter is before the Court upon the memorandum and recommendation of United States Magistrate David S. Cayer, filed December 22, 2010. The parties were advised that pursuant to 28 U.S.C. § 636(b)(1)(C), and Rule 72 of the Federal Rules of Civil Procedure, written objections to the memorandum and recommendation must be filed within 14 days after service of the memorandum. It appears to the Court that the parties have not filed any such objections. After an independent and thorough review of the magistrate's memorandum, the Court concludes that there is no clear error on the face of the record and that the recommendation to grant the Respondent's Motion for Summary Judgment and dismiss the Petitioner's Motion to Vacate, Set Aside or Correct Sentence is correct and in accordance with law. Accordingly, the findings and conclusions of the magistrate are affirmed.

IT IS THEREFORE ORDERED that the memorandum and recommendation of the
magistrate is hereby AFFIRMED.

Signed: January 20, 2011

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge



Signed: January 20, 2011

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

